

CITY OF HOLLISTER - AGENDA

for **City Council Meeting**

of **November 6, 2006** at **6:30 p.m.** in the City Council Chambers, City Hall, 375 Fifth Street, Hollister

NOTICE TO PUBLIC

Persons who wish to address the City Council must complete a Speakers Card and give it to the Clerk prior to addressing the City Council. Those who wish to address the City Council on an agenda item will be heard when the presiding officer calls for comments from the audience. City related items not on the agenda will be heard under the Public Input section, Section B, of the agenda. Following recognition persons desiring to speak are requested to advance to the podium and state their name and address. After hearing audience comments, the public portion of the meeting will be closed and the matter brought to the City Council for discussion and action.

Requests to make presentations to the City Council should be submitted to the City Clerk's Office at least ten days preceding the City Council meeting. It is customary for the staff members to review such matters prior to formal presentation in order that the City Council may have the benefit of all available data.

All matters listed under Consent Resolution will be enacted by one motion authorizing actions indicated for those items so designated. There will be no separate discussion of these items unless requested by a member of the City Council, a staff member, or a citizen.

**** 6:00 p.m. - Closed Session -- See Attached Agenda.**

Call to Order

Pledge of Allegiance

Roll Call: Mayor Robert Scattini, City Council Members Doug Emerson, Pauline Valdivia, Brad Pike, and Monica Johnson, City Manager Clint Quilter, City Attorney Stephanie Atigh, and City Clerk Geri Johnson.

Verification of Agenda Posting

PROCLAMATION: November 15, 2006 – National Philanthropy Day
November 19-25, 2006 – Family Week

6:00 p.m. - CLOSED SESSION AGENDA:

- A. Public comment (limited to any item listed on Closed Session agenda).
- B. A Closed Session will be held by the City Council of the City of Hollister to discuss all or some of the following matters:

1. Conference with Legal Counsel - Anticipated Litigation - Significant Exposure to Litigation pursuant to Government Code Section 54956.9(b) - (3 potential cases will be discussed)
2. Conference with Legal Counsel - Anticipated Litigation - Initiation of Litigation pursuant to Government Code Section 54956.9(c) - (2 potential cases will be discussed)
3. Conference with Legal Counsel - Pending Litigation - Pursuant to Government Code Section 54956.9(a) –
 - a. RWQCB – Cease and Desist Order No. R3-2002-0105
 - b. City of Hollister v. Monterey Insurance Company, California Capital Insurance Company, Case Number HO29296
 - c. Wald, Ruhnke & Dost Architects v. City of Hollister, San Benito Superior Court Case No. CV-06-00141
 - d. City of Hollister v. Hollister Independence Rally Committee, Monterey County Superior Court Case Number M 80799
4. Conference with Labor Negotiator pursuant to Government Code Section 54957.6:

Agency Negotiator: Clint Quilter

Employee Organizations: Service Employees International Union, Local 817; Hollister Firefighters Union, Local 3395; Hollister Peace Officers Association; Hollister Mid-Management Association; and un-represented employees in classifications designated as Executive Management and Confidential
5. Personnel – City Manager Evaluation
6. Threat to Public Services or Facilities pursuant to Government Code Section 54957

Consultation with Hollister Police Chief

6:30 p.m. - AGENDA

A. CONSENT RESOLUTION (October 16, 2006):

All items listed under consent Resolution will be enacted by one motion authorizing actions indicated for those items so designated. There will be no separate discussion of these items unless requested by a member of the City Council, a Staff member, or a Citizen.

Consent Items are Numbers A1, A2, and A3.

- A1. Minutes of the Regular City Council Meeting of October 16, 2006 and the Special City Council Meetings of October 23 and October 25, 2006.

Approve Minutes of the Regular City Council Meeting of October 16, 2006, and the Special City Council Meetings of October 23 and October 25, 2006, as submitted.

- A2. Warrant Register(s).

The City Council will ratify and approve the following Warrant Register(s) for the General-Special-Enterprise-Assessment Funds dated:

- October 10, 2006, in the amount of \$ 471,770.58
- October 16, 2006, in the amount of \$ 136,556.57
- October 23, 2006, in the amount of \$ 680,498.40
- October 30, 2006, in the amount of \$ 313,596.63

- A3. ABC License Review – Lynn's Liquors.

This item acknowledges City Council receipt of the ABC license review for Lynn's Liquors at 204 Hawkins Street, and orders it filed.

B. PETITIONS, REMONSTRANCES, AND COMMUNICATIONS:

1. PUBLIC INPUT.

This is the time for anyone in the audience to speak on any item not on the agenda and within the subject matter jurisdiction of the council. When the City Clerk calls your name, please come to the podium, state your name and address for the record, and speak to the Council. Each speaker will be limited to two (2) minutes. Please note that state law prohibits the council from discussing or taking action on any item not on the agenda.

C. PUBLIC HEARINGS (On or After 6:30 p.m.)

None.

D. INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES:

1. Read by Title Only and Adopt Ordinance No. 1008, AN ORDINANCE OF THE CITY OF HOLLISTER AMENDING SECTION 10.24.010 B OF THE HOLLISTER MUNICIPAL CODE RELATING TO STOPPING, STANDING, OR PARKING ON A PORTION OF RAJKOVICH WAY IN THE CITY OF HOLLISTER.

This Ordinance will prohibit parking on Rajkovich Way between Fourth Street (the former S.R. 156) and the residential properties north of Wilma Drive.

2. Read by Title Only and Introduce Ordinance No. 1009, AN ORDINANCE AMENDING CHAPTER 17 OF THE HOLLISTER MUNICIPAL CODE RELATING TO FAMILY CHILD CARE HOMES.

This Ordinance amends Section 17.46.040 of the Municipal Code relating to family child care homes as home occupations.

3. Resolution No. 2006-152, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROPRIATING AND AUTHORIZING THE PAYMENT OF \$17,000,000 OF TRAFFIC IMPACT FEES AND ENTERING INTO AN AGREEMENT WITH THE SAN BENITO COUNTY COUNCIL OF GOVERNMENTS.

This resolution authorizes payment of Traffic Impact Funds to the San Benito County Measure A Authority for expenses related to construction for the Highway 25 Bypass.

4. Read by Title Only and Introduce Ordinance No. 1010, AN ORDINANCE OF THE CITY OF HOLLISTER AMENDING CHAPTER 8.32 NUISANCES REVISING THE ADMINISTRATIVE HEARING PROCESS TO REPLACE THE ADMINISTRATIVE HEARING BOARD WITH AN ADMINISTRATIVE HEARING OFFICER.

This Ordinance will replace all references to an Administrative Hearing Board with the term Administrative Hearing Officer.

E. REPORTS OF CITY COUNCIL, OFFICERS, BOARDS, AND COMMITTEES:

1. Reports from City Council Committees.

Receive oral reports from members regarding the activities of various Ad hoc and Standing City Council Committees.

2. Reports from City Council, City Manager, City Attorney, and Staff.

Receive oral reports from the City Council, City Manager Quilter, City Attorney Atigh, City Clerk Johnson, and other Staff as applicable.

3. Water and Wastewater Issues.

The City Council will receive an oral report from City Manager Quilter.

4. Report from Hollister Motorcycle Rally Committee.

The City Council will receive a status report from Hollister Motorcycle Rally Committee.

F. UNFINISHED BUSINESS:

None.

G. NEW BUSINESS:

None.

H. MISCELLANEOUS:

None.

ADJOURNMENT:

Next regular City Council Meeting is scheduled for November 20, 2006, at 6:30 p.m.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at (831) 636-4304. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102-35.104 ADA Title II].